

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

Robert E. Foster 23440-045)
(full name) (Register No.))

12-4324-CV-C-FJG-P

Plaintiff(s).

Case No. _____

v.

Officer John Doe (an unknown named officer of)
(Full name))
City of Columbia, MO Police Department)
Columbia, MO 2nd Dan Wright #001389)
officer of the Defendant(s).)
Columbia, MO Police Department, Brandon T Crits #001995

Defendants are sued in their (check one):

☐ Individual Capacity

☐ Official Capacity

☒ Both

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

I. Place of present confinement of plaintiff(s): CCA Leavenworth Detention Center
Leavenworth, KS located at 100 Highway Terrace, Leavenworth, KS 66048

II. Parties to this civil action:

Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff Robert E. Foster Register No. 23440-045
Address 100 Highway Terrace, Leavenworth, KS 66048

B. Defendant John Doe, a Police officer with the Columbia, MO Police
Department. His first and last name are not known at this time
Is employed as Police officer for the City of Columbia, MO.

For additional plaintiffs or defendants, provide above information in same format on a separate page. See page 1a for additional defendant.

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CLERK, U.S. DIST. COURT
WEST. DIST. OF
JEFFERSON CITY, MO

III. Do your claims involve medical treatment? Yes X No

IV. Do you request a jury trial? Yes X No

V. Do you request money damages? Yes X No

State the amount claimed? \$ 500,000 / 500,000 (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes No X

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes X No

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution?

Yes No X

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

D. If you have not filed a grievance, state the reasons.

This claim does not involve a matter arising out of my incarcerated status.
The claim arose prior to my incarceration

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case?

Yes No X

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated?

Yes No X

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: N/A N/A
(Plaintiff) (Defendant)
(2) Date filed: N/A

- (3) Court where filed: N/A
- (4) Case Number and citation: N/A
- (5) Basic claim made: N/A
- (6) Date of disposition: N/A
- (7) Disposition: N/A
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: N/A
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

I was apprehended by one or more officers of the Columbia, Missouri Police Department on June 26, 2011. After I was subdued and handcuffed, officers John Doe and Dan Wright began kicking me and beating me, although I was offering no resistance. I was beat about the head and shoulders, kicked in the sides as I lay on the ground. The beating occurred while I was cuffed and in a prone position on the ground.

- B. State briefly your legal theory or cite appropriate authority:

The beating was administered at 2 times when I was offering no resistance to the arresting officers, and was administered by the officers for the purpose of punishing me for an alleged offense without due process of law, in violation of my rights protected by the 5th and 14th Amendments to the Constitution of the United States.

X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.

I wish to be awarded \$500,000 in actual damages, and because the actions of the
defendants were wanton and willful, I request \$500,000 in punitive damages.

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. I am handling this case pro se.

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes ___ No X

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

C. Have you previously had a lawyer representing you in a civil action in this court?

Yes ___ No X

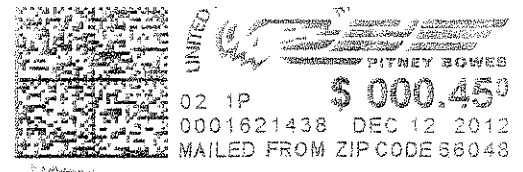
If your answer is "Yes," state the name and address of the lawyer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 10th day of November 2012.

Robert Earl Foster
Signature(s) of Plaintiff(s)

Thomas Corporation of America
Worth Detention Center
nway Terrace
North, Kansas
66048

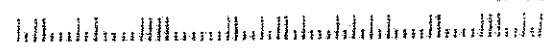


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